



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

**LETTER OF DEFICIENCY
WET 06-071**

July 12, 2006

Dan Prawdzik
Snowflake Realty Trust
62 Route 101-A
Amherst NH 03031

RE: DES Wetlands File #2001-01854 48 Nubanusit Rd, Nelson

Dear Mr. Prawdzik,

On May 26, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Nelson Tax Map 1 as Lot 44 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Env-Wt 100-800.

Based on the inspection and further file review the following deficiencies were documented:

1. An area of stone fill measuring approximately 480 square feet, 16 feet wide by 30 feet long extended from the shoreline lakeward approximately 30 feet.
2. Decking measuring approximately 4 feet by 36 feet extended approximately 30 feet over the stone fill in the lake leading to a crib structure.
3. The crib structure measured approximately 15 feet, 10 inches, by 17 feet, 6 inches. Wetlands permit # 2001-1854 approved the construction of a 12 foot by 11 foot crib. The present crib structure exceeds the permitted dimensions by approximately 148 square feet.
4. Approximately 30 feet of shoreline and bank had been disturbed, including approximately 9 feet of bank opened for access for construction of the docking structure.

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a qualified wetland scientist or qualified environmental consultant, and include provisions for the removal of stone fill supporting the 4 foot by 30 foot walkway, reduce the crib to the permitted dimensions and restoration of the bank with native ground cover and shrubs on the Property.

Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions, with normal high water mark and wetland boundaries; and
 2. Proposed conditions after reestablishing the jurisdictional areas and approved docking structure;
 - b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
 - c. A detailed description of the proposed planting plan for the stabilization and revegetation of the bank and shoreline and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
 - d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
 - e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.
2. Retain a qualified wetland scientist or qualified environmental consultant to supervise the implementation of the restoration plan and to submit the restoration progress reports.
 3. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1411 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with

July 11, 2006

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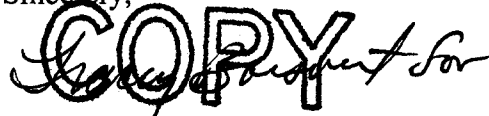
RSA 482-A or RSA 483-B will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Jeffrey D. Blecharczyk, Shoreland Compliance Coordinator
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Jeffrey D. Blecharczyk at (603) 271-6876.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Collis G. Adams'.

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7099 3400 0003 0688 8524

cc: Rene Pelletier, Asst. Director, Water Division
Gretchen R. Hamel, Administrator, DES Legal Unit
Nelson Conservation Commission
Nelson Board of Selectmen
USACOE